

SD

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Dewayne Demario LEWIS

Case No. 2:15-mj-496

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 9/26/14 & 10/31/14 in the county of Franklin in the
Southern District of Ohio, the defendant(s) violated:

Code Section

18 USC 922(g)(1)
 21 USC 841(a)(1)

Offense Description

Felon in Possession of a Firearm (9/26/14 and 10/31/14)
 Possession with Intent to Distribute Cocaine (10/31/14)

This criminal complaint is based on these facts:

SEE ATTACHED

☒ Continued on the attached sheet.


Complainant's signature

JERRY ORICK ATF TFO

Printed name and title

Sworn to before me and signed in my presence.

Date:

8/3/2015

City and state:

COLUMBUS, OHIO


 Judge's signature
N. M. Lips, U.S. Judge
Printed name and title

PROBABLE CAUSE AFFIDAVIT

Dewayne Demario LEWIS

I, **Jerry L. Orick**, being duly sworn, depose and state that:

1. I have been a Police Officer with the Columbus, Ohio Division of Police since 2001. I have been a Task Force Officer (TFO) with the United States Department of Justice, Bureau of Alcohol, Tobacco Firearms, and Explosives since May 2005. I am familiar with State and Federal criminal laws pertaining to firearms and narcotics violations.
2. On February 17th, 2004, Dewayne Demario LEWIS (hereinafter LEWIS) entered a guilty plea in the Franklin County, Ohio Court of Common Pleas for Possession of Drugs, a felony of the 4th degree (03CR002602).
3. On May 6th, 2004, LEWIS entered a guilty plea in the Franklin County, Ohio Court of Common Pleas for Possession of Drugs, a felony of the 4th degree (04CR002246).
4. On May 6th, 2004, LEWIS entered a guilty plea in the Franklin County, Ohio Court of Common Pleas to Kidnapping, a felony of the 1st degree (04CR000426).
5. On or about September 26th, 2014, Detectives assigned to the Columbus, Ohio Division of Police Department's Criminal Investigative Unit (CIU) obtained a State of Ohio search warrant for LEWIS's residence identified as 105 N. Warren Avenue, Columbus, Ohio 43204. During the search of LEWIS's residence investigators discovered and seized five firearms in addition to other items of evidentiary value.
6. The firearms recovered from LEWIS's residence on September 26th, 2014 are further described as:
 - Ruger, model SP101, .357 revolver, bearing serial number: 572-96577
 - Mossberg, model 500, 12 gauge shotgun, bearing serial number: U615572
 - ATI, model GSG-5, .22 rifle, bearing serial number: AZ89679
 - Norinco, Model Mac-90, 7.62 assault rifle, bearing serial number: 24631
 - Intratec, model: AB 10, 9mm pistol, bearing serial number: A054205
7. On October 31st, 2014, Ohio State Highway Patrol Trooper K. Comstock #1122 conducted a traffic stop on a vehicle being driven by LEWIS. During the traffic stop LEWIS fled from the Trooper on foot and was apprehended a short time later.
8. During a pat down search of LEWIS Trooper Comstock located 4 baggies in LEWIS's back sweat pants pocket containing marijuana and a substance that later tested positive as approximately 6.7 grams of cocaine.
9. A search of the area where LEWIS travelled resulted in the discovery of a .357 Taurus revolver bearing serial number: DN116.

PROBABLE CAUSE AFFIDAVIT

Dewayne Demario LEWIS

10. After apprehension LEWIS was read his constitutional rights and provided OSP Troopers with a written statement. LEWIS stated he had the aforementioned .357 Taurus revolver for protection because his son had recently been murdered. LEWIS further stated he ran from the OSP Trooper because he had the firearm on his person and tossed the firearm during the foot pursuit
11. On November 6th, 2014, LEWIS was arrested by Officers of the Columbus, Ohio Division of Police for operating a motor vehicle without a valid State of Ohio driver's license. LEWIS was transported to CPD HQ for interviews with CPD Homicide Detective A. Mall #2009, CPD CIU Detective T. Huston and ATF Task Force Officer J. Orick.
12. LEWIS was read his constitutional rights by Detective Huston. LEWIS stated he understood his rights and agreed to answer questions without a lawyer present.
13. TFO Orick informed LEWIS that he was currently investigating LEWIS's possession of firearms on September 26th, 2014 (CPD) and October 31st, 2014 (OSP).
14. TFO Orick mentioned to LEWIS that he had convictions for Kidnapping, F-1, Drug Possession X2, F-4 and Domestic Violence/ Assault. LEWIS confirmed his convictions and stated he made a mistake and had no reason to lie to investigators.
15. LEWIS admitted to his possession of the firearms located in his residence on September 26th, 2014 and informed TFO Orick he was a drug dealer and had been selling narcotics from a residence located at 85 Stevens Avenue, Columbus, Ohio for the past approximate five years. LEWIS added that he knew he was not allowed to possess firearms because he was a convicted felon.
16. TFO Orick asked LEWIS about the firearm seized during his arrest on October 31st, 2014. LEWIS admitted that he had possessed that .357 Taurus revolver, ran away from the OSP Trooper and dumped it prior to the OSP Trooper catching and apprehending him.
17. An Interstate Nexus Determination was conducted by ATF Special Agent J. Burns #4800 on the aforementioned firearms. It was determined that none of the aforementioned seized by law enforcement officials on September 26, 2014 and on October 31, 2014 were manufactured in the State of Ohio and therefore travelled in interstate commerce to reach the State of Ohio.
18. The aforementioned offenses occurred in Franklin County, Ohio, in the Southern Judicial District of Ohio.
19. Based on this information, your affiant believes probable cause exists that Dewayne Demario LEWIS possessed a firearm after having been convicted of a crime punishable by more than one year

PROBABLE CAUSE AFFIDAVIT

Dewayne Demario LEWIS

incarceration, in violation of 18 U.S.C. 922(g)(1) and possessed with intent to distribute a mixture or substance containing a detectable amount of cocaine, in violation of 21 U.S.C. 841 (a)(1).



Jerry L. Orick
ATF Task Force Officer

Sworn to and subscribed before me this day of August 3, 2015 at _____ Columbus, Ohio.



Norah McCann King
U.S. MAGISTRATE JUDGE